

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Captain L. Bryant Fuller III  
Portsmouth Naval Shipyard  
Seavey Island, Building 44  
Kittery, ME 03904

**URGENT LEGAL MATTER  
REQUIRES PROMPT RESPONSE**

Re: Clean Air Act Reporting Requirement

Dear Captain Fuller:

The United States Environmental Protection Agency (EPA) is evaluating whether Portsmouth Naval Shipyard (PNSY) operations at the Seavey Island facility are in compliance with the Clean Air Act (CAA or Act) and requirements promulgated under the Act, including but not limited to the Maine State Implementation Plan.

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether a facility is in compliance with its Part 70 Air Emission License and with the Act.

This reporting requirement orders PNSY to provide the information listed in each numbered paragraph below within 60 days of receipt of this letter. The term “coating” as used here refers to paints and other materials such as paint thinners, cleaners, solvents, fairing compounds, and adhesives used on marine vessels.

1. Provide a brief description of PNSY’s operations at the Seavey Island associated with coating operations for submarines, ships, and other vessels.
2. Provide a detailed explanation of how coatings are received at PNSY and indicate the location(s) at which coatings are received and distributed. Also:
  - a. Explain how coatings are distributed throughout the facility;

- b. Discuss the types of records PNSY uses to document the distribution, use, and disposal of coatings;
  - c. Describe the information management systems (inventory system) used to track the coatings at PNSY. Indicate the information collected by the system at each point of distribution; and
  - d. Identify (by the location on-site) where the coatings are distributed and used.
3. Provide copies of all records PNSY has for its coating operations that relate to monthly usage of any and all volatile organic compound (VOC) and/or hazardous air pollutant (HAP)-containing coatings (), between January 1, 2007 and December 31, 2010. Where possible, provide the data in an electronic spreadsheet. Specifically, provide:
- i. Copies of the Material Safety Data Sheet, Product Data Sheet, Technical Specification or any other information pertaining to the physical and chemical properties of the coating, including, but not limited to, VOC and HAP content;
  - ii. The type of each coating (e.g., general usage coating, semi-gloss, anti-foulant) using the categories specified in Table 2 to the National Emissions Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair Facilities (40 CFR Part 63, Subpart II);
  - iii. The amount of the coating used during each month (in gallons);
  - iv. Whether thinner was added to the coating prior to its application and, if so, the amount added;
  - v. The as-applied VOC and HAP content of the coating; and
  - vi. The location(s) at the facility where the coating was used.
4. For the period January 1, 2007 through December 2010, provide the 12-month rolling totals of VOC and HAP emissions, in pounds, from all coating operations at the facility. Explain any and all assumptions made in performing the calculations.

Submissions required by this letter shall be mailed to:

Susan Studlien, Director  
Office of Environmental Stewardship  
US Environmental Protection Agency, New England  
5 Post Office Square, Suite 100  
Mail Code OES-04-2  
Boston, Massachusetts 02109  
Attn: Steven Calder, Air Technical Unit

Be aware that if PNSY does not provide the information in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law

also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

If you have any questions regarding this reporting requirement, please contact Steven Calder at (617) 918-1744, or have your attorney call Senior Enforcement Counsel, Thomas T. Olivier, at (617) 918-1737.

Sincerely,

Susan Studlien, Director  
Office of Environmental Stewardship

cc: Louis Fontaine, ME DEP  
Anne Fenn, EPA